

REMARKS

Claims 22 to 35 are presently pending in this application. Claims 22 and 35 have been amended hereby to more clearly distinguish over the prior art by providing a limitation that the catheter initially has a thick internal septum which in cross-section transverse of the catheter has a generally constant thickness.

Claims 22 to 25, 27 to 30 and 33 to 35 (and presumably claim 26 as well) stand rejected under 35 USC §102(e) as being anticipated by Ash et al (U.S. Patent No. 5,947,953). Additionally, claims 31 and 32 stand rejected under 35 USC §103(a) as being unpatentable over Ash et al in view of Melsky et al (U.S. Patent No. 5,704,915).

Reference Ash et al discloses a multiple lumen catheter assembly initially formed having a first catheter and a second catheter each having respective complete circumferential walls bounding their respective channels, with the closely adjacent straight wall portions of the two lumens being joined to each other at a location by a splittable membrane 46. Thus, the splittable membrane 46 joins respective walls of the two lumens that are closely adjacent, but the membrane 46 is not itself properly considered to be a “thick integral internal septum” since the splittable membrane is not truly internal nor is it a septum since it is not a wall and does not bound nor separate the channels of the respective lumens as a septum would do. It only initially joins the two walls that bound the respective lumen channels and do not face outwardly of the catheter.

Claims 22 and 35 have been amended to more clearly set forth a characteristic of the thick integral internal septum of the present inventions from one side of the catheter to the other in cross-section, as having a constant thickness. There is no disclosure in the reference of this characteristic; instead the catheter of the reference has two walls extending from catheter side to catheter side each having a respective constant thickness and which happened to be joined by a membrane at a particular location along the catheter cross-section.. There is no disclosure in the reference of releasably attaching or re-attaching the split distal end portions of the catheters. There is no thick integral internal septum. The rejection is therefore respectfully traversed.

Regarding the rejection of claims 31 and 32 based on Ash et al in view of Melsky, reference Melsky discloses polishing of shells 22 and outlet tubes 32. However, since claims 31 and 32 depend from claim 22, they are believed to patentably distinguish over the art and withdrawal of the rejection is respectfully requested.

In the first paragraph of the Office Action on page 2, the Office Action asserts at lines 5 to 6, "that the split distal tubes can be releasably attached or reattached" is "not recited in the rejected claims." However, this limitation is expressly recited in claims 27, 28, 29 and 35.

Since it has been shown that all claims distinguish patentably over the references applied by the Examiner, allowance thereof is respectfully requested. Further, it is believed that the amendment to claims 22 and 35 do not raise new issues, since it is making explicit that which is implicit in the phrase "thick integral internal septum."

Respectfully submitted,

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